

Exhibit D

From: [Grossman, Andrew M](#)
To: Charletta.Blackshear@uspto.gov
Cc: Louis.boston@uspto.gov; [DeLaquil, Mark](#)
Subject: Re: Commercial Fee Estimate FP-18-00014
Date: Friday, April 6, 2018 3:52:10 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Dear Mr. Boston and Ms. Blackshear,

Thank you for your letter of March 13, 2018, providing a fee estimate for paragraph one of our FOIA request.

To be honest, I was quite surprised by the \$3,029,782 fee estimate. The PTO's FOIA fee schedule states that the cost for manual search (presumably the most expensive and probably unlikely to be needed in this case) and for review is the actual salary rate plus 16 percent. Let's assume that both search and review are being done by GS-15 Step 11 employees, which also seems unlikely. The salary for such employees in the D.C. area is \$164,200, which results in a maximum annual rate of \$190,472. Your fee estimate would cover 15.9 person-years of GS-15 Step 11 employees working full time on this single request. Our firm, as you might imagine, has conducted some very large document review projects, and yet we cannot begin to understand how this project could take anywhere near 15.9 person-years (or perhaps three or four times that many, if one assumes that some or all of the work would be carried out by employees at appropriate GS levels).

So I wonder whether there is some error in your estimate, or perhaps we simply do not understand what is entailed for the PTO to collect and review documents for production. So that we can have an understanding of how the PTO arrived at this estimate, and so that we can reasonably respond and tailor our requests if necessary, I would like to know, if possible, how much of the estimate is attributable to each of search, review, and duplication. I would also appreciate any further breakdown you are able to provide within those categories, as well as any underlying estimates or assumptions that you may have prepared or relied upon in arriving at the fee estimate (e.g., that a particular number of documents would have to be reviewed, that the reviewer would have to be a particular person or grade, etc.). I assume that you have this information at hand, as you used it to prepare the fee estimate, and so hope and expect that my request will not be any imposition on you.

Thank you again for your assistance, and I hope that you have a nice weekend.

Best,

Andrew

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From: "Charletta.Blackshear@uspto.gov" <Charletta.Blackshear@uspto.gov>

Date: Tuesday, March 13, 2018 at 4:43 PM

To: "Grossman, Andrew M" <agrossman@bakerlaw.com>

Cc: "Louis.boston@uspto.gov" <Louis.boston@uspto.gov>

Subject: Commercial Fee Estimate FP-18-00014

Dear Mr. Grossman,

As we agreed, attached please find the fee estimate for the first item of your request. In addition, we agreed that the USPTO would identify a timeframe when the USPTO began generally storing or archiving emails. After speaking with the subject matter experts at the USPTO, it has been determined that the USPTO generally began storing and archiving emails dated late 2006 to early 2007, assuming the employee did not delete the emails. Individual custodians may have retained emails prior to 2006-07. Thank you.

Respectfully,

Louis J. Boston Jr.
USPTO FOIA Officer
Office of General Law